

EVIDENCE TO BE INTRODUCED INTO THE RECORD
RELATING TO HB6015 ENTITLED "AN ACT PROHIBITING THE CHARGING
OF FEES FOR THE DISPATCH OF EMERGENCY SERVICES IN RESPONSE
TO 9-1-1 CALLS REFERRED TO THE COMMITTEE ON
PUBLIC SAFETY AND SECURITY

My name is Daniel A. Silver and I am a partner in the law firm of Silver & Silver LLP located in New Britain, Connecticut. I have been a member of the Connecticut Bar since 1970 as well as a member of the Federal Bar for the District of Connecticut, Second Circuit Court of Appeals and the United States Supreme Court. I have concentrated my legal practice over the past 43 years in the area of First Amendment litigation. As such, I have represented countless numbers of individuals and entities relating to the rights of Free Speech under the First Amendment of the United States Constitution and the Constitution for the State of Connecticut. I am past-president of the First Amendment Lawyers Association, which is a National group whose membership consists of lawyers involved with First Amendment issues.

I am here today to speak in favor of HB6015 entitled "An Act Prohibiting the Charging of Fees for the Dispatch of Emergency Services in Response to 9-1-1 Calls". As such, it is my hope that my comments prove to be relevant in this Committee's discussion of this pending piece of legislation.

It is my understanding that the Bill before you today was introduced as a result of an Ordinance which was adopted by the City of New Britain which allowed the City to impose substantial fees to a property owner as a result of excessive 9-1-1 calls made from a certain address. Although this Ordinance did not penalize a landlord for all types of 9-1-1 calls, a fee would be applied to a certain class of calls. In the event that the number of calls coming from one address exceeded the minimum as determined by the New Britain City Council, it

would be the responsibility of the landlord to pay a fee which was determined to be commensurate with the cost to the Police Department in investigating said call.

It should also be clear that, in the event an excessive number of calls, as determined by the Ordinance, was generated from a specific address, the landlord would be responsible for the costs of the charges as found due by the City. This is true even in the event that the landlord had no knowledge that these calls had been made or had any control over the person or persons who generated said 9-1-1 calls. It should also be reasonable to assume that a landlord who would be fined in accordance with the Ordinance for these excessive calls would, naturally, pass those costs on to the responsible tenant or all of the tenants by way of rent increases or other costs that could be set forth in a lease agreement.

To begin my discussion of this Bill before you which would prohibit such practices, it is important to point out that a citizen's right to complain to public officials is conduct protected by the First Amendment. See Dougherty v. Town of North Hempstead Board of Zoning Appeals, 282 F.3d 83 (2002); Puckett v. City of Glen Cove, 631 F. Supp. 2d. 266, 240 (E.D.N.Y. 2009).

I submit that any charge or cost which can be attributed to an individual's speech creates a "chilling effect" on one's speech and, therefore, is in violation of the First Amendment to the United States Constitution and the Free Speech provisions of the Connecticut State Constitution. It is clear that the adoption of this piece of legislation before this Committee today would clearly set forth that an attempt to "chill" a citizen's speech by creating financial burdens upon that speech can not be tolerated within the State of Connecticut.

For that reason, I urge that this Bill be adopted so it will send the message, loud and clear, that we, in the State of Connecticut, respect Free Speech rights of our citizens.